

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 2914 - HB 3272**

February 17, 2010

**SUMMARY OF BILL:** States that a person who solicits a minor to commit a sexual offense and travels in, to, or from this state for the purpose of completing the solicited offense commits the same classification of offense as the most serious offense solicited. Offenses include rape of a child, aggravated rape, rape, aggravated sexual battery, sexual battery by an authority figure, sexual battery, statutory rape, especially aggravated sexual exploitation of a minor, or sexual activity involving a minor.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$163,000/Incarceration\***

Assumptions:

- Currently solicitation of a minor offenses are punishable as one classification lower than the most serious offense solicited, unless the offense solicited was a Class E felony which would be punished as a Class A misdemeanor. Under the proposed bill, the offense classification for the solicitation will be identical to the classification for the solicited offense and will result in longer sentences.
- According to the Department of Correction (DOC), there has been an average of four admissions, ranging from a Class E to a Class B felony, for solicitation of a minor in each of the past five years. DOC estimates of the total (4), there would be two Class E offenses; one Class D offense; and one offender charged with a Class C offense every other year, and one offender charged with a Class B offense every other year.
- According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class E felony is 1.31 years (478.48 days) at a cost of \$28,641.81; for a Class D felony, 1.96 years (715.89 days) at a cost of \$42,853.18; for a Class C felony, 3.26 years (1,190.72 days) at a cost of \$71,276.50; and for a Class B felony, 5.63 years (2,056.36 days) at a cost of \$123,093.71).
- Increasing the penalty for solicitation of a minor will result in an increase in incarceration costs due to longer sentences. Two offenders will be sentenced to a Class E felony rather than a Class A misdemeanor and will serve 1.31 years at a cost of \$57,283.62 (\$28,641.81 x 2). One offender will be sentenced to a Class D felony rather than a Class E felony and will serve an additional 0.65 years (1.96 years for a Class D – 1.31 years for a Class E) at a cost of \$14,211.37 (\$42,853.18 - \$28,641.81). One offender will be sentenced to a Class C felony rather than a Class D felony every other year and will serve an additional 1.30 years (3.26 years – 1.96 years) at a cost of

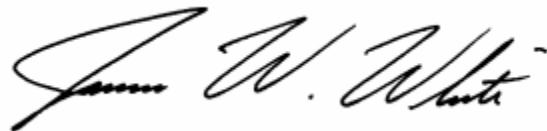
\$28,423.32 (\$71,276.50 - \$42,853.18). The annualized cost will be \$14,211.66 (0.50 annual number of convictions x \$28,423.32). One offender will be sentenced to a Class B felony rather than a Class C felony every other year at a cost of \$51,817.21 (\$123,093.71 - \$71,276.50). The annualized cost will be \$25,908.61 (0.50 annual number of convictions x \$51,817.21).

- According to DOC, there has been an average of one admission every five years for solicitation of aggravated rape and one for solicitation of aggravated sexual battery in each of the past 10 years. One offender every five years would be sentenced for a Class A felony offense of solicitation of aggravated rape rather than a Class B and would serve an additional 9.38 years (15.01 years for a Class A – 5.63 years for a Class B) as a result of this bill. The additional operating cost for increasing the average sentence length by 9.38 years is \$205,082.75 (\$328,176.46 - \$123,093.71). The annualized cost per offender is \$41,016.55 (0.20 annual number of convictions x \$205,082.75).
- One offender every five years would be sentenced for a Class B felony offense of solicitation of aggravated sexual battery rather than a Class C and would serve an additional 2.37 years (5.63 years for a Class B – 3.26 years for a Class C) as a result of this bill. The additional operating cost for increasing the average sentence length by 2.37 years is \$51,817.21 (\$123,093.71 - \$71,276.50). The annualized cost per offender is \$10,363.44 (0.20 annual number of convictions x \$51,817.21).
- The total additional incarceration costs as a result of this bill are \$162,995.25 (\$57,283.62 + \$14,211.37 + \$14,211.66 + \$25,908.61 + \$41,016.55 + \$10,363.44).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc